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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: )

Brady )

Serial No. 10/730,480 )

Filed: 10/01/2002 )

Title: )

Clip Framing System )

Examiner: Not assigned.

Art Unit: Not assigned

Attorney Docket No.: 00-8-1387

PETITION PURSUANT TO 37 CFR 1.10

Attn: Office of Petitions  
Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam/ Sir:

Applicant respectfully submits this Petition pursuant to 37 CFR 1.10 to obtain a filing date of Applicant's new U.S. Continuation Patent Application Serial No. 10/730,480, which was filed by U.S. Express Mail on October 1, 2004.

BACKGROUND OF THIS PETITION

Applicant received a Notice of Incomplete Provisional Application dated October 14, 2004, indicating that Applicant's aforementioned application had not been accorded a filing date because the application was deposited without drawings or oath or declaration. Exhibit 1, attached hereto, is a true and correct copy of the Notice of Provisional Application. Applicant submitted this application, including the drawings and declaration, on October 2, 2004, by U.S. Express Mail, Express Mail Post Office to Addressee service, with mailing label No. EV192360186US, which indicates a "Date In"

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of October 2, 2004. Exhibit 2, attached hereto, is a true and correct copy of the U.S. Express Mail mailing label No. EV192360186US. The cover letter and Certificate of Mailing by Express Mail indicated that this application was sent via U.S. Express Mail, using mail label No. EV192360186US and enclosed Drawings for Figures No. 1- 13 (7 pages) and Declaration of Inventor (2 pages), among the other required documents. Exhibit 3, attached hereto, is a true and correct copy of the cover letter of this application. Exhibit 4, attached hereto, is a true and correct copy of the Certificate of Mailing by Express Mail of this application. Exhibit 5, attached hereto, is a true and correct copy of the Drawings for Figures No. 1- 13 of this application. Exhibit 6, attached hereto, is a true and correct copy of the Declaration of Inventor of this application.

#### DISCUSSION

Pursuant to 37 CFR 1.10, Applicant respectfully requests the Commissioner to accord Applicant's Continuation Application Serial No. 10/730,480 a filing date of October 2, 2004, the "Date In" indicated on Applicant's Express Mail mailing label No. EV192360186US. 37 CFR 1.10(a) states, "[a]ny correspondence received by the Patent and Trademark Office (USPTO) that was delivered by the 'Express Mail Post Office to Addressee' service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS. The date of deposit with the USPS is shown by the 'date in' on the 'Express Mail' label." *See* 37 CFR 1.10(a)(1) and (2).

Applicant mailed Continuation Patent Application Serial No. 10/730,480 by U.S. Express Mail on October 2, 2004, using mailing label No. EV192360186US. *See* Ex. 2.

Applicant's cover letter and Certificate of Mailing by Express Mail list all of the documents that were mailed with Express Mail mailing label No. EV192360186US. *See* Exs. 3- 4. Included in the documents that were mailed with this application on October 2, 2004, via U.S. Express Mail, mailing label No. EV192360186US, are Drawings for Figures No. 1- 13 (7 pages) and Declaration of Inventor (2 pages). *See* Exs. 3- 6. Because Applicant did submit drawings and a declaration for this application on October 2, 2004, Applicant respectfully requests a filing date of October 2, 2004.

Applicant is enclosing the \$130.00 petition fee pursuant to 37 CFR 1.17(h). If an October 2, 2004 filing date is accorded to this application, Applicant respectfully requests a refund of the \$130.00 petition fee.

Thank you for your attention to this matter. If any additional fees are required for this Petition, please deduct the required amounts from Deposit Account No. 500703 (Trojan Law Offices).

Respectfully Submitted,

TROJAN LAW OFFICES

BY



Larisa R. Lacis  
Reg. No. 47,729

Dated: October 28, 2004

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